

SECTION 106 PROCEDURE – COUNTY AND DISTRICT REVIEW - IMPROVING THE PROCESS

During recent months on going discussion has taken place between officers at Horsham District Council and West Sussex County Council to improve the process of managing and monitoring the receipt and expenditure of contributions secured by the District through s106 agreements (otherwise known as planning obligations), for a range of county functions and services. The agreements are legally binding and are used to secure funds or works and for essential elements of schemes such as the provision of affordable housing, public transport services and new infrastructure such as roads or a community centre. Although Horsham District Council is not responsible for all services, it collects and remains accountable for the spending of contributions. In assessing planning applications the District Council will consult with the County and seek contributions towards County Services and functions, i.e. towards highways and transport, education, libraries, the fire service and waste.

Full details of the background to planning obligations, the liaison with different service providers in assessment of planning applications and the methodology and key principles is set out in the Horsham District Council Supplementary Planning Document on Planning Obligations. This may be viewed through the website at www.horsham.gov.uk. If you require more advice on this matter please contact Peter Home, Senior Planning Officer at Horsham District Council on 01403 215575.

The planning policy framework is therefore in place and a draft protocol has now been agreed to help improve the way in which transfers from the District to the County are made and to ensure that there are sufficient opportunities for local communities and local members to have an input and secure transparency and accountability for the spending of the s106 funds. As part of this process the following steps have been taken:

- The District has transferred just under £1 million of education, libraries and the fire service contributions to County.
- The District has transferred just under £1 million of transport and highway contributions to the County for a range of schemes identified in the integrated works programme as approved at the Chanctonbury and North Horsham County Local Committee, having regard to the responses received from the District Council and the relevant Parish and Neighbourhood Councils.

In addition the County Council has given a commitment to:

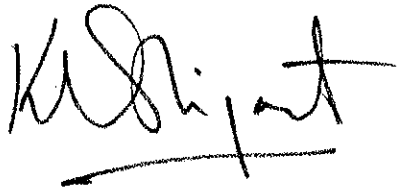
- Provide on going monitoring and annual reports to demonstrate that the allocation or use of highways, transport, education, libraries and fire service contributions towards projects or schemes within Horsham District.
- To work closely with the District, Parish and Neighbourhood Councils to identify future highway and transport schemes for inclusion in the integrated works programme.

The draft protocol will be updated in the light of experience and use and reviewed annually but it provides the building blocks for closer liaison between the County Council, the District Council and the Parish and Neighbourhood Councils. The information supplied by the County regarding the expenditure or allocation of funds towards projects will be reported to the Planning Obligations Panel at Horsham District Council and through this process circulated to the Parishes and Neighbourhoods of the District.

Parishes and Neighbourhoods can have direct input in ensuring that that the highway and transport schemes in the district reflect local needs. The County Council currently consults Parish and Neighbourhood Councils on priorities as part of the Blue Book Schemes (Schemes to be progressed if developer funding is provided). The feed back on the Blue Book schemes is important and the County Council would be pleased to hear from any Parish or Neighbourhood Council that would like to highlight highways and transport priorities in their area. If you have any suggestions please contact Duncan Barratt, Group Manager Development Planning - 01243 777559 or David Lambert, Senior Engineer 01243 777407.



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Chief Executive
Horsham District Council



Kieran Stigant
Director for Environment and Development
West Sussex County Council

THE PROTOCOL

TRANSFER OF SECTION 106 CONTRIBUTIONS TO WEST SUSSEX COUNTY COUNCIL

This protocol, which describes effective practice in the transfer of payments to West Sussex County Council secured through planning obligations (otherwise known as s106 agreements), is designed to complement the Councils policy on planning obligations as set out in the Supplementary Planning Document. It aims to help improve the way in which transfers to County are made and to ensure that there are sufficient opportunities for local communities and local members to have an input and secure transparency and accountability for the spending of the s106 funds.

The protocol sets out the steps to be followed by Horsham District Council and West Sussex County Council, how the steps will be put into practice and the reference to planning policy and guidance.

The protocol will be updated in the light of experience and use and reviewed annually.

1. Payment of Education, Fire Service and Library Contributions

Responsibility	Action	Note	Guidance/Regulation
i. Horsham District Council	Will, as the Local Planning Authority, be the co-ordinating authority for the collection of education, fire service and library contributions	The negotiation of contributions to be the responsibility of the local planning authority in the assessing of each planning application on its own merits having regard to the advice set out in the Supplementary Planning Document on Planning obligations	Town and Country Planning Act 1990 (As Amended); Circular 1/97 Planning Obligations; West Sussex County Council Structure Plan 2001 – 2006, Horsham District Council Local Development Framework Core Strategy and Supplementary Planning Document on Planning Obligations.
ii. Horsham District Council	Will pay the contributions secured in respect of education, fire service and library contributions as they are received.	The payment of education, fire service and library contributions to be paid to WSCC as the sole service provider.	As above
iii. West Sussex County Council	Will provide an annual report to Horsham District Council to demonstrate of the allocation of expenditure or use towards a project within the District.	On going monitoring is required to ensure a clear audit route between the planning application and expenditure on key scheme or project to maintain transparency in the system.	As above

2. Payment of Transport Contributions

Responsibility	Action	Note	Guidance/Regulation
<p>i. Horsham District Council</p>	<p>Will, as the Local Planning Authority, be the co-ordinating authority for the collection of transport contributions</p>	<p>The negotiation of contributions to be the responsibility of the local planning authority in the assessing of each planning application on its own merits having regard to the advice set out in the Supplementary Planning Document on Planning obligations and the advice of WSCC as Highway Authority</p>	<p>Town and Country Planning Act 1990 (As Amended); Circular 1/97 Planning Obligations; West Sussex County Council Structure Plan 2001 - 2016, Horsham District Council Local Development Framework Core Strategy and Supplementary Planning Document on Planning Obligations. Supplementary Planning Guidance – Revised County Parking Standards and Transport Contributions Methodology (November 2003)</p>
<p>ii. Horsham District Council</p>	<p>Will hold the contribution until:</p> <ul style="list-style-type: none"> - a scheme has been identified by WSCC having regard to the 'Blue Book' – Schemes to be Progressed in the event of Developer Funding being received'; - it has been demonstrated that consultation has taken place with the Parish/Neighbourhood Council; - the scheme has been checked for compliance with the originating agreement; - the scheme along with the consultation responses received from the District, Parish and Neighbourhood has been presented to and agreed by the County Local Committee. 	<p>The negotiations of contributions is the responsibility of the Local Planning Authority subject to the advice by the County as Highway and Transport Authority.</p>	<p>As above</p>

Responsibility	Action	Note	Guidance/Regulation
iii. Horsham District Council	Will pay transport contributions to WSCC on the submission of an invoice accompanied by the minutes of the relevant County Local Committee meeting.	The invoice must specify, in full, the planning application reference(s), site address and the scheme(s) to which the contribution would be allocated.	Town and Country Planning Act 1990 (As Amended); Circular 1/97 – Planning Obligations; West Sussex County Council Structure Plan 2001-2016, Horsham District Council Local Development Framework Core Strategy and Supplementary Planning Document on Planning Obligations. Supplementary Planning Guidance – Revised County Parking Standards and Transport Contributions Methodology (November 2003)
iv. West Sussex County Council	<p>Will:</p> <ul style="list-style-type: none"> - Provide details of the priorities for delivering Highway and Transport improvements in the District and demonstrate consultation with the District, Parishes and Neighbourhoods on the improvement schemes. - Consult the District, Parish and Neighbourhood Councils on the schemes to be included within the 'Blue Book' – Schemes to be progressed in the event of Developer Funding being received'. - Consult the District, Parish and Neighbourhood Councils on the schemes to be included within the Integrated Works Programme. - Identify schemes for the allocation of Section 106 Transport Contributions having regard to the 'Blue Book' – Schemes to be progressed in the event of Developer Funding being received' and the integrated works programme. 	<p>West Sussex County Council is the Authority responsible for setting priorities and delivering Highways and Transport improvements but District, Parish and Neighbourhoods should be consulted on the delivery of Highway and Transport schemes.</p> <p>Local communities and members must be given the opportunity to have an input to the schemes identified in the 'Blue Book' and the inclusion of these schemes within the integrated works programme.</p>	As above

Responsibility	Action	Note	Guidance/Regulation
<p>v. West Sussex County Council</p>	<p>Will:</p> <ul style="list-style-type: none"> - Present the schedule of proposed schemes to the County Local Committee and report the responses received from the District and the Parish and Neighbourhood Councils. - Subject to the agreement by the County Local Committee request payment for the approved schemes, the request to be supported by a copy of the minutes of the meeting at which the scheme was agreed. 	<p>It will be necessary to demonstrate a link from the identification of the highway or transport improvement scheme by West Sussex County Council, through the Blue Book and into the Integrated Works Programme.</p>	<p>As above.</p>
<p>vi. West Sussex County Council</p>	<p>Will acknowledge receipt of the contribution and provide an annual report to Horsham District Council and regular reports to the CLC's to demonstrate of the progression of schemes and the allocation of expenditure or use towards a project within the District.</p>	<p>On going monitoring is required to ensure a clear audit route between the planning application and expenditure on key scheme are project to maintain transparency in the system.</p>	<p>As above.</p>

